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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,940	02/17/2004	Alessandro Dematteis	AGZP:113 US	9367
24041 7590 03/01/2011 SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406				
EXAMINER HAUGLAND, SCOTT J				
ART UNIT		PAPER NUMBER		
3654				
MAIL DATE		DELIVERY MODE		
03/01/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/779,940

**Applicant(s)**

DEMATTEIS, ALESSANDRO

**Examiner**

SCOTT HAUGLAND

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/7/11 has been entered.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farnsworth (U.S. Pat. No. 1,832,974) in view of Atkins (U.S. Pat. No. 1,120,432), Faeber et al (U.S. Pat. No. 3,037,557), the admitted prior art of paragraphs [0003] (p. 1) through [0008] (p. 3) of the specification, and Nystrand (U.S. Pat. No. 4,163,548).

Farnsworth discloses a method for conveying sheet material in a paper converting machine, comprising: providing a first cylindrical shaped tubular body

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having interior and exterior surfaces and a plurality of radial holes (Figs. 1, 4, 5) arranged in substantially longitudinal rows; providing a second fixed cylindrical shaped tubular body 7 arranged coaxially within said first cylindrical shaped tubular body 1; providing two spaced stationary, but slidable, sealing elements 4, 6 positioned between said first cylindrical tubular body and said second fixed tubular body, said two slidable sealing elements spaced at a predetermined angle with respect to each other, said slidable sealing elements extending radially from said second fixed cylindrical shaped tubular body and comprising a fixed portion 4 as a means for forming a longitudinal guide and a bar 6 within said guide, wherein said bar can slide (on a film on the interior surface of the first cylindrical shaped tubular body 1), said bar and said guide of said slidable sealing elements longitudinally oriented and extending for nearly all the length of said second cylindrical tubular body 2; defining by at least one opening between said second fixed tubular body and by said two spaced stationary sealing elements, one single air suction chamber (between 4, 6) that communicates with a suction generating system (that produces the disclosed suction), said suction chamber extending for nearly all the length of the second fixed tubular body; rotating said first cylindrical shaped tubular body relative to said second fixed tubular body (p. 2, lines 112-115) in order to bring said suction chamber in communication with a row of said radial holes during the relative rotation of said bodies; and capturing an end (the apparatus implicitly processes the entire web) of sheet material by suction by said row.

Farnsworth does not disclose that the paper converting machine is one of a rewinding, winding, and interfolding machine, that the bar 6 can resiliently engage with the interior surface of the first cylindrical shaped tubular body, or that the sealing elements or suction chamber extends for all the length of the second cylindrical tubular body and does not disclose the steps of capturing an end of a sheet of paper and dragging the sheet by the first tubular body.

Atkins teaches making a suction chamber (defined by q, w, v, t, s) of a suction roller extend the full length of the suction roller.

Faeber et al teaches forming a sliding sealing element as a guide 32 and a bar 39 slidable in the guide so as to resiliently engage an inner surface of a cylindrical shaped tubular body 10.

The admitted prior art teaches using a conveying roller having a partial vacuum created inside the rollers in rewinding and interfolding machines to facilitate handling of sheets and capturing and dragging sheets of paper using suction applied by the roller.

Nystrand teaches capturing an end of a sheet (cut web) of paper and dragging the sheet of paper using a suction roller 17, 22 in an interfolding machine (col. 3, lines 22-28).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the suction chamber of the roller of Farnsworth so that it extends the full length of the roller as taught by Atkins to reduce complexity, number of parts, and cost of the device for uses where adjustability is not required.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the bar 6 of Farnsworth resiliently engage an inner surface of the first cylindrical shaped tubular body as taught by Faeber et al to provide a more reliable seal that can accommodate variations in shape and changes in dimensions (e.g., with temperature) of the tubular bodies.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the conveying roller of Farnsworth in a rewinding or interfolding machine to capture an end of a sheet of paper as taught by the admitted prior art and Nystrand to more efficiently provide the required gripping force on the web material as it is fed through the machine.

### ***Response to Arguments***

Applicant's arguments filed 1/7/11 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Additionally, it is noted that applicant did not address the admitted prior art described in the specification. It is further noted that: Farnsworth discloses the use of a suction roller for purposes other than removing water from pulp (p. 3, lines 1-6), Faeber discloses handling paper and sheets (col. 1, lines 11-17 and 43-46), Farnsworth as well as Atkins and Faeber disclose

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holes arranged in rows extending most of the length of suction rollers (note Figs. 1, 3, and 5 of Farnsworth), Farnsworth discloses two slidable sealing elements, and Farnsworth has a single suction chamber extending nearly the full length of the second cylindrical tubular body.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT HAUGLAND whose telephone number is (571)272-6945. The examiner can normally be reached on Mon. - Fri., 10:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on (571) 272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael R Mansen/  
Supervisory Patent Examiner, Art Unit 3654

/SJH/